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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,119	01/17/2001	Magnus Hallenstal	27943-00408USP1	6514

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ERICSSON INC.
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EXAMINER

NGUYEN, BRIAN D

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,119

Applicant(s)

HALLENSTAL ET AL.

Examiner

Brian D Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 7/29/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____, is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the at least one link" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-6, 9-10, 12-15, 17-22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Christie et al (6,480,493).

Regarding claims 1 and 9, Christie discloses an arrangement for combining narrowband and broadband mechanisms in a communication network comprising a first node (110, 210, 310) configured to provide call control function; a second node (125, 225) connected to the first node

Art Unit: 2661

by a first and second link (links 130) configured to provide connection control functions, the second node containing no call control function (see col. 2, lines 37-46) and adapted to rely on the first node for call control functions by receiving signaling information over the second link; wherein data information is transmitted over the first link and signaling information is transmitted over the second link (see figure 2; col. 5, lines 51-67).

Regarding claim 4, Christie discloses the second and third links are for signaling between first and second nodes (see col. 4, lines 47-48). Note that two links are used for two opposite directions.

Regarding claim 5, Christie discloses neither the data information nor the signaling information is identified (see separate data and signaling links in figure 2).

Regarding claim 6, Christie discloses the first node provide connection control function (see connection manager in 210 of figure 2) and is adapted to route a communication incoming to the second node as an outgoing communication from the first node by directing the communication over the at least one link, the communication including data information (see connection manager in 210 of figure 2; service switching function (SSF) of figure 3; and col. 9, lines 19-27).

Regarding claims 10, 12-15, 17-22, and 24, claims 10, 12-15, 17-22, and 24 are either apparatus or method claims that have substantially the same limitations as in claims 1 and 3-9. Therefore, they are subject to the same rejection.

Claim Rejections - 35 USC § 103

Art Unit: 2661

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie (6,480,493) in view of Constantinof et al (6,381,246).

Regarding claims 3, 7, and 16, Christie does not specifically disclose the first link comprises a TDM link. However, This feature is well known in the art, Constantinof discloses the use of TDM link (see col. 3, lines 31-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use TDM link as taught by Constantinof in the system of Christie so that information from different sources can be transmitted in the same link.

7. Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie (6,480,493) in view of Chrin et al (6,600,741).

Regarding claim 8, Christie does not specifically disclose the use of synchronous transfer mode (STM). However, to use STM or any other transfer mode is a matter of choice. Chrin discloses different transfer mode including STM can be used in a system (see col. 3, lines 31-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use STM mode as taught by Chrin in the system of Christie in order to communicate with network that using STM.

Response to Arguments

Art Unit: 2661

8. Applicant's arguments filed 7/29/04 have been fully considered but they are not persuasive.

The applicant argued that *Christie actually teaches away from such a total separation of call control and connection control by stating that such "a system is not yet defined to a point of sufficient for implementation"*:

"At least one system has suggested routing uses service requests to a call sever that is external to a switch. However, this system requires that the call processing be separated from connection processing. This system is not yet defined to a point sufficient for implementation." (Christie, Col. 2, lines 49-60).

This argument is not persuasive because col. 2, lines 49-60 is in the Back Ground of the Invention. Figure 1 clearly shows a second node (switch 125) contain no call control function, it relies on signaling processor 110 for the call control function (see col. 4, lines 58-61 and col. 5, lines 11-26). The applicant also argued that *in further rejecting all of the independent claims, the Examiner sited that Fig. 2 of Christine allegedly disclosed the second node adapted to rely on the first node for call control functions. However, the second node (as now recited by the amended claims) in the present invention is not equipped with any call control functions and adapted to rely on the first node for receiving any call control functionalities. However Fig. 2 of Christie clearly shows the second node (ATM switch, 225) containing not only switch fabrics (connection control functions), but also the call process (call control functions). Fig. 2 of Christie also shows the first node (narrowband switch, 215) likewise containing a switch fabric as well as a call process. Accordingly, Christie fails to disclose or teach a system wherein a*

Art Unit: 2661

second node (such as the ATM switch 225) containing only the connection control functions (switch fabric) and adapted to rely on the first node (such as the narrowband switch 215) for receiving call control functions over a two separate links. In other words, the narrowband switch 215 in Christie fails to control the ATM switch (lacking any call intelligence) in accordance with the teachings of the present invention. This argument is not persuasive because the second node (225 of figure 2 or 125 of figure 1) is not equipped with any call control functions and adapted to rely on the signaling processor (110, 210) for receiving any call control functionalities (see col. 5, lines 23-25). The call process in ATM switch 225 is not the call control function, the ATM switch communicates with the signaling processor to help process the call such as switching the call (see figure 3 and col. 9, lines 22-40 where the signaling processor 310 performs call control function (CCF)). In addition, the signaling processor, not the narrowband switch, controls the ATM switch.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2661

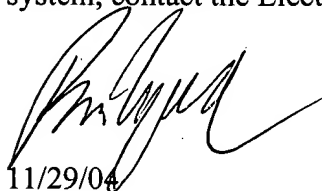
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (571) 272-3084.

The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/29/04

BRIAN NGUYEN
PRIMARY EXAMINER